

UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF VERMONT

AMERICAN CABLE ASSOCIATION, CTIA)
– THE WIRELESS ASSOCIATION, NCTA –)
THE INTERNET & TELEVISION)
ASSOCIATION, NEW ENGLAND CABLE)
& TELECOMMUNICATIONS)
ASSOCIATION, AND USTELECOM – THE)
BROADBAND ASSOCIATION, on behalf of)
their members,)

Case No. 2:18-cv-167

Plaintiffs,)

v.)

PHILIP B. SCOTT, in his official capacity as)
the Governor of Vermont; SUSANNE R.)
YOUNG, in her official capacity as the)
Secretary of Administration; JOHN J. QUINN)
III, in his official capacity as the Secretary and)
Chief Information Officer of the Vermont)
Agency of Digital Services; and JUNE E.)
TIERNEY, in her official capacity as the)
Commissioner of the Vermont Department of)
Public Service,)
Defendants.)

DEFENDANTS' CONSENTED-TO MOTION TO EXTEND

Defendants hereby move with the consent of Plaintiffs for a three-week extension of time to respond to Plaintiffs' motion for summary judgment from February 22, 2019 to March 15, 2019. In support, Defendants rely on the following Memorandum of Law.

MEMORANDUM OF LAW

Under Rule 6(b) of the Federal Rules of Civil Procedure, the Court has discretion to grant an extension of time. On January 23, 2019, Plaintiffs filed a pre-discovery motion for summary

judgment. The current deadline for Defendants to respond is February 22, 2019. This motion is being filed prior to the expiration of that deadline.

Defendants are requesting a three-week extension of time for two primary reasons. First, the parties are involved in discussions that could lead to a joint motion to stay this action until the D.C. Circuit has completed its review of the 2018 FCC order that serves as the primary basis for Plaintiffs' complaint. If these discussions are successful, the parties would agree to seek a stay of this action, which could conserve substantial judicial and party resources.

Second, the requested extension is necessary in order to allow Defendants to prepare an appropriate and thorough response to Plaintiffs' filing. Plaintiffs' motion was filed pre-discovery and raises a number of complex issues. In addition, since Plaintiffs' motion was filed, undersigned counsel has been occupied completing and filing a preliminary injunction opposition on January 30, 2019, drafting and filing a reply in support of a motion to dismiss on February 13, 2019, and handling a preliminary injunction hearing on February 15, 2019.

Given the brief duration of the extension requested, no undue prejudice or delay will occur if the requested extension is granted. Plaintiffs have indicated that they consent to the requested extension of time.

WHEREFORE, Defendants respectfully request that the Court extend the time for Defendants to respond to Plaintiffs' motion for summary judgment until March 15, 2019.

DATED at Montpelier, Vermont this 21st day of February 2019.

STATE OF VERMONT

THOMAS J. DONOVAN, JR.
ATTORNEY GENERAL

By: /s/ David Boyd
David Boyd
Assistant Attorney General
Office of the Attorney General
109 State Street
Montpelier, VT 05609-1001
(802) 828-1101
David.Boyd@vermont.gov

Counsel for Defendants

CERTIFICATE OF SERVICE

I hereby certify that on this 21st day of February 2019, I electronically filed Defendants' Consented-to Motion to Extend with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to all registered participants.

DATED at Montpelier, Vermont this 21st day of February 2019.

STATE OF VERMONT

THOMAS J. DONOVAN, JR.
ATTORNEY GENERAL

By: /s/ David Boyd
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Assistant Attorney General
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David.Boyd@vermont.gov

Counsel for Defendants